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*10-15-03*

DATE

**Attorney Docket No. BM45339**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ruelle, Jean-Louis

Group Art Unit: 1645

Serial No.: 09/857,669

Examiner: Baskar, Padmavathi

Filed: September 21, 2001

For: Polypeptides and Polynucleotides BASB040 From Neisseria Meningitidis and Vaccine  
Comprising Said Polypeptides and Polynucleotides

Mail Stop Non-Fee Amendment

Commissioner for Patents

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**AMENDMENT UNDER 37 CFR. § 1.111**

**Introductory Remarks:**

This Amendment is responsive to the Office Action mailed July 15, 2003 (Paper No. 12) (herein referred to as "Office Action"). Applicant respectfully requests entry of this Amendment and reconsideration of the application in view thereof.

This Amendment is believed timely filed on or before October 15, 2003. Notwithstanding, should this Paper not be considered timely filed, Applicant hereby requests a retroactive extension of time to file for the number of months required to maintain pendency of the Application.

In the Claims:

Claims 1-54 (Cancelled)

55. (Currently Amended) An isolated, recombinant polypeptide comprising a member selected from the group consisting of

- (a) the amino acid sequence SEQ ID NO:2; and
- (b) an immunogenic fragment of at least 15 contiguous amino acids of SEQ ID NO:2;

wherein the immunogenic fragment ~~isolated polypeptide~~, when administered to a subject in a suitable composition which can include an adjuvant, or a suitable carrier coupled to the polypeptide, induces an antibody or T-cell mediated immune response that recognizes the ~~to a~~ polypeptide ~~consisting of~~ SEQ ID NO:2.

56. (Currently Amended): The isolated, recombinant polypeptide of claim 55, wherein the polypeptide is according to (a).

57. (Currently Amended): The isolated, recombinant polypeptide of claim 55, wherein the polypeptide is according to (b).

58. (Currently Amended): The isolated, recombinant polypeptide of claim 55, wherein the immunogenic fragment of (b) comprises at least 20 contiguous amino acids of SEQ ID NO:2; wherein the immunogenic fragment, when administered to a subject in a suitable composition which can include an adjuvant, or a suitable carrier coupled to the polypeptide, induces an antibody or T-cell mediated immune response that recognizes the polypeptide SEQ ID NO:2.

59. (Currently amended): The isolated, recombinant polypeptide of claim 55, wherein the isolated, recombinant polypeptide consists of SEQ ID NO:2.

60. (Cancelled)

61. (Currently Amended): An immunogenic composition comprising the isolated, recombinant polypeptide of Claim 55 and a pharmaceutically acceptable carrier.
62. (Cancelled)
63. (Previously Presented): The immunogenic composition of claim 61, further comprising an adjuvant.
64. (Currently Amended): The immunogenic composition of claim 63, wherein the adjuvant is ~~comprises~~ a TH-1 type adjuvant.
65. (Previously Presented): The immunogenic composition of claim 64, wherein the TH-1 type adjuvant is selected from the group consisting of 3D-MPL and QS21.
66. (Currently Amended): The immunogenic composition of claim 61, wherein the carrier is ~~comprises~~ an oil-in-water emulsion.
67. (Currently Amended): The immunogenic composition of claim 61, wherein the carrier is ~~comprises~~ an aluminum salt.
68. (Currently Amended): A fusion protein comprising the isolated, recombinant polypeptide of claim 55 and a polypeptide selected to:
- (a) provide T-helper epitopes;
  - (b) facilitate purification from a recombinant expression system; or
  - (c) stabilize the isolated, recombinant polypeptide during recombinant expression.
69. (New): An isolated polypeptide consisting of SEQ ID NO:2.